



de maximis, inc.

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January 15, 2013

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: Monthly Progress Report No. 68 – December 2012
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009**

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On December 5, EPA and CPG consultants held a conference call to discuss Newark Bay Bathymetry Survey oversight coordination.
- On December 10, CPG, EPA and CPG and EPA consultants held a conference call to discuss CPG responses to EPA comments on the High Volume Chemical Water Column Monitoring (HV CWCM) QAPP.

Correspondence

- On December 4, CPG submitted a response to EPA comment #58 on the HV CWCM QAPP to EPA.
- On December 5, EPA consultants provided the CPG consultants a copy of the revised Newark Bay Bathymetry Survey QAPP.

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- On December 6, EPA provided comments to CPG on the supplemental QA/QC sample analysis Standard Operating Procedure (SOP) for the HV CWCM QAPP.
- On December 7, EPA provided CPG a copy of the draft Newark Bay Problem Formulation Document (PFD) and requested comments by January 7, 2013.
- On December 11, CPG and EPA exchanged emails regarding arrangements for EPA oversight of the HV CWCM sampling event scheduled for the week of December 17.
- On December 14, CPG uploaded the revised HV CWCM QAPP to the EPA LPR SharePoint Site.
- On December 14, CPG provided EPA with the HV CWCM field schedule for the week of December 17.
- On December 17, CPG and EPA exchanged emails regarding the location of requested additional sediment samples for the SSP 2 program.
- On December 17, CPG submitted the November Monthly Progress Report to EPA.
- On December 18, CPG and EPA exchanged emails regarding missing figures from the draft Newark Bay PFD provided to CPG for review and comment.
- On December 18, CPG notified EPA that the HV CWCM field sampling activities in Newark Bay would be postponed due to an oil spill in the Newark Bay.
- On December 18, CPG and EPA exchanged emails confirming the postponement of the Newark Bay component of the HV CWCM field sampling activities.
- On December 18, CPG provided an update of HV CWCM field activities conducted on December 17 to EPA.
- On December 18, EPA submitted a set of question on CWCM and RM 10.9 data sets to CPG.
- On December 19, CPG provided an update of HV CWCM field activities conducted on December 18 to EPA.
- On December 20, CPG provided Response to Comments (RTC) on the Risk Assessment Risk Characterization Plan (RARC) to EPA.
- On December 20, CPG submitted a draft Fish Tissue Sampling and Analysis Plan for the samples collected above Dundee Dam to EPA.
- On December 21, CPG submitted a table and maps of proposed SSP 2 locations to EPA.
- On December 28, EPA provided a Field Modification prepared by Tierra for the Newark Bay 2012 Bathymetry Survey to CPG.

Work

- CPG completed validation of the SV CWCM Low Flow Event data.

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- CPG conducted SV CWCM Routine Flow Event #5 the week of December 10.
- CPG responded to additional EPA comments on the HV CWCM QAPP.
- CPG conducted the LPRSA portion of the HV CWCM field event the week of December 17.
- CPG continued discussions with associated labs for additional QA/QC testing suggested by EPA for the LPRSA HV CWCM field program.
- CPG continued chemical analysis, toxicity testing and taxonomy testing on the Benthic Background Sediment Survey SQT and sediment chemistry samples.
- CPG continued work on the 2011 Post-Hurricane Irene Bathymetry Survey report.
- CPG completed processing the 2012 Bathymetry Survey raw data.
- CPG Modeling Team continued work on decoupling the Hydrodynamic and HQI ECOM-SEDZLJS Sediment Transport Model codes to shorten run times and long-term sediment transport calibration runs.
- CPG Modeling Team continued work on the RCATOX Chemical Fate and Transport Model Code initial conditions and long-term calibration runs.
- CPG Modeling Team continued support for design activities for the SV CWCM High Flow Events.
- CPG Modeling Team continued work on system understanding for hydrodynamic and sediment transport processes in Newark Bay.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.

(b) Results of Sampling and Tests

- On December 17, CPG uploaded Region 2 EDDs for all validated data and all original lab EDDs received during November from the Low Flow CWCM Event #1 to the EPA LPR SharePoint site.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will conduct the HV CWCM field event in Newark Bay.
- CPG will conduct a SV CWCM High Flow Event if River conditions meet SV CWCM QAPP criteria.
- CPG will initiate analysis of samples from the SV CWCM Routine Event 5.
- CPG will initiate analysis of samples from the LPRSA portion of the HV CWCM field event.

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- CPG will continue analysis and testing of Benthic Background Sediment Survey sediment samples.
- CPG will conduct chemical analysis of Tissue Background Survey samples after agreeing on compositing and analytical protocols for the tissue samples with EPA.
- CPG will complete drafting the Post-Hurricane Irene Bathymetry Survey of the LPR report.
- CPG will complete drafting the 2012 Bathymetry Survey Report.
- CPG Modeling Team will continue calibration runs with the HQI ECOM-SEDZLJS and RCATOX codes and inputs.
- CPG Modeling Team will continue support with the CWCM High Flow program planning and development.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue initial FS evaluation of targeted remedy locations and development of cost estimating tools.
- CPG will complete its technical memorandum that summarizes the status of the LPR/NB sediment transport model for the RI/FS.

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

- Based upon discussions with EPA in September, the CPG understands that EPA considers the calibration of the HQI sediment transport and the chemical fate and transport model sufficient to support the revised FFS for the lower 8 miles of the LPRSA. However, the CPG also understands that EPA provided a revised modeling report to its Partner Agencies for review in November and anticipates conducting an external peer review of the model beginning in February 2013 which will take several months to complete. The CPG is continuing to work on both sediment transport model and the chemical fate and transport model for the LPRSA and incorporating the improvements and other changes that CPG has discussed with EPA. EPA and CPG collaboration meetings were conducted in January, March, June, and September 2012; these and previous meetings are providing an opportunity for both modeling teams to understand differences between each team's approaches. The CPG will be providing a detailed status report on its progress on the LPR/NB modeling in December based in the delays associated with Hurricane Sandy. Delays associated with both the sediment transport modeling and chemical fate transport modeling schedules are extending the completion of the LPRSA RI/FS.

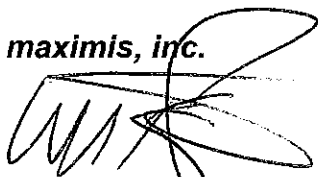
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- The CPG understands that the EPA approved Tierra's CSO/SWO Workplan in May 2011. It is also the CPG's understanding that the Method Detection Studies proposed by Tierra and other work such as construction of the proposed mobile centrifuge/CSO sampling trailer required for Phase 1 work were completed in late August 2012. It is also CPG's understanding the EPA and Tierra have agreed to delay the Phase I CSO sampling due to the failure of the PVSC treatment system and other regional POTWs. The extent of the RI/FS schedule impacts associated with the current Phase 1 sampling schedule (which is now forecast for early 2013) and with a likely phase 2 field schedule is significant. The CPG is evaluating alternative approaches for CSO/SWO data to be used in the LPR/NB Chemical Fate & Transport Model to maintain a LPRSA RI/FS Study completion date of second quarter 2015.
- EPA provided comments on July 11, 2011 which disapproved the revised risk assessment planning documents and required submission of revised documents within 30 days. Additionally, EPA provided a technical memo on July 25, 2011 on fish and crab consumption rates for the LPRSA Human Health Risk Assessment. The CPG filed a notice of dispute resolution in accordance with Section XV of the AOC on July 25, 2011 in response to EPA's July 11, 2011 directive letter and July 25, 2011 technical memorandum. The revised RARC and TRV deliverables were submitted on August 9, 2011. On September 6, 2011 the CPG submitted a position paper in response to EPA's July 11, 2011 comments and July 25, 2011 technical memorandum. Dispute resolution meetings were held on December 1, 2011 and January 13, 2012. EPA provided the results of the dispute resolution to the CPG on February 7, 2012 and the CPG implemented the changes specified in the July 2011 directive comments and the results of the dispute resolution in the revised RARC which was submitted on April 13, 2012. The EPA provided comments on the revised RARC on August 30, 2012; the CPG is in the process of revising the RARC to reflect these comments.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.



Willard F. Potter
Project Coordinator

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